

Message

From: Sue Ireland [ireland@kootenai.org]
Sent: 9/12/2019 5:45:38 PM
To: Schmit, Ayn [Schmit.Ayn@epa.gov]; Richard Janssen [Richard.Janssen@cstkt.org]; Stu Levit [Stu.Levit@cstkt.org]; Sexton, Erin [erin.sexton@flbs.umn.edu]; Carol Kriebs [ckriebs@kootenai.org]; Genny Hoyle [genhoyle@kootenai.org]; William Barquin [wbarquin@kootenai.org]; Charlie Holderman [cholderman@kootenai.org]
CC: McGrath, Patricia [mcgrath.patricia@epa.gov]; Gildea, Jason [Gildea.Jason@epa.gov]; Varilek, Kimberly [Varilek.Kimberly@epa.gov]; Fish, Tonya [Fish.Tonya@epa.gov]; Kusnierz, Lisa [kusnierz.lisa@epa.gov]
Subject: Re: Notes from our August 27 call

Hello Ayn - Thank you for the excellent summary and we look forward to seeing you on Sept 24.

Take care,

Sue

From: Schmit, Ayn <Schmit.Ayn@epa.gov>
Sent: Wednesday, September 11, 2019 10:22 AM
To: Richard Janssen; Stu Levit; Sexton, Erin; Carol Kriebs; Sue Ireland; Genny Hoyle; William Barquin; Charlie Holderman
Cc: McGrath, Patricia; Gildea, Jason; Varilek, Kimberly; Fish, Tonya; Kusnierz, Lisa
Subject: Notes from our August 27 call

I know that not all of you were able to join this conversation. As promised, following are notes from the call. I'll be sharing the notes from the first part of the discussion on levels of protection with the other participants- KNC, MDEQ and the BC Ministry of Environment. Thanks for participating in the call.

EPA Regions 8 and 10 met with the Confederated Salish and Kootenai Tribes and the Kootenai Tribe of Idaho on August 27, 2019. The first part of the call focused on a discussion of the process for establishing site-specific selenium criteria for Lake Kootenai, and specifically what scenarios (i.e. levels of protection) will be considered in the mechanistic modeling that is the primary method for deriving water column criteria. For this discussion we were joined by the Ktunaxa Nation Council of BC, Montana DEQ and the BC Ministry of Environment. Participants included:

CSKT: Richard Janssen and Erin Sexton

KTOI: Genny Hoyle (was Carol Kriebs actually on?)

KNC: Heather McMahon and Jesse Sinclair

MDEQ: Lauren Sullivan and Myla Kelly

BC Ministry: Sheldon Reddekopp and Kevin Rieberger

EPA: Joe Beaman, Ayn Schmit, Tonya Fish, Jason Gildea, Kim Varilek, Lisa Kusnierz, Patty McGrath

MDEQ gave a short presentation outlining the five scenarios currently proposed for modeling. Alternatives 1 and 3 are the most conservative and meant to represent protection of individual fish using the BC and EPA egg/ovary values of 11 and 15.1 ug/L respectively. Alternative 2 and 4 represent protection of the fish population mean using the same egg/ovary thresholds. MDEQ indicated the consensus of the SeTSC is that all of these scenarios are scientifically defensible. They presented a 5th alternative that BC is proposing which is meant to protect against muscle/whole-body tissue contamination while also meeting the Health Canada screening values for high fish intake. This 5th alternative is based on the current BC muscle/whole-body tissue guideline stating that the mean for any species will not exceed the BC whole-body and muscle tissue guideline of 4.0 mg Se/Kg. There were a number of questions about the basis for using this threshold, which is meant as both an aquatic life protection threshold and as a basis for fish consumption human health effects. Jesse from KNC mentioned a high fish consumption threshold stated set by the Health Canada Screening of 7.3 ug/g dry weight. This guideline is proposed to be protective of aquatic life while also meeting the high fish consumption threshold. BC indicated they are working to better understand the derivation of the 4 mg/Kg number. They also mentioned that a human health risk assessment is underway in the Elk Valley that will look at indigenous fish

consumption levels. The KNC expressed that they believe these levels of protection represent a reasonable and appropriate range for modeling purposes. MDEQ and the Ministry suggested that they would like to make a final decision on the scenarios before December. They agreed that at the November MRC meeting they will indicate their deadline for this decision. In the meantime the Tribes are free to weigh in informally or formally on this question.

MDEQ also presented a timeline for the criteria development process, which projects that Montana will finalize their Se criteria for the Lake by the end of 2020, when it will be submitted to EPA for review and action. The timeline indicates, based on conversations between MDEQ and EPA, that EPA would initiate formal consultation in the Jan-Feb 2020 time frame, prior to final decisions by MDEQ and BC on the criteria to be selected for adoption.

BC, MDEQ and the KNC dropped from the discussion after this portion. The remainder was devoted to general Kootenai River/Koocanusa updates including:

- EPA and USGS are working toward a release of the results from the Kootenai River water quality and fish sampling project. The release will occur in early September. Genny and Jason will work together to incorporate tribal and USGS data/results in the summary of findings.
- Region 10 updated on the recent meeting in Juneau hosted by Senator Murkowski with the US IJC Commissioners, the Canadian IJC Chair, state of Alaska agencies, AK tribes and environmental/fishing industry NGOs. Two of the US Commissioners requested follow-up information on the Kootenai/Lake Koocanusa situation, which Region 8 provided. We discussed that the Tribes may want to share additional records of tribal correspondence with them.
- Jason will accompany the State Department on a tour of Teck's operations on September 12.
- EPA and MDEQ will be conducting local outreach in the Libby/Eureka area on Sept 23-24 and will meet individually with CSKT in Polson and KTOI in Bonners Ferry.
- We had a brief discussion of the rationale for EPA initiating formal consultation in the Jan-Feb time frame. This will allow tribal staff to brief their Councils on the discussions about criteria development and enable the tribal officials to be ready to weigh in before MDEQ and BC settle on final numbers. We agreed that we'll continue to discuss the timing when we meet in September.
- Erin Sexton - Reminder that EPA has not organized a State Department/Tribal/Other partners call in a long time. Those meetings were an opportunity for State Department to provide updates on bi-laterals, etc. Recommend EPA organize this again.
- Genny Hoyle - would like to present KTOI Kootenai River data at public meetings and at the MRC meeting in November

Ayn Schmit / Water Policy Advisor / 303-312-6220 / EPA Region 8 / 1595 Wynkoop St, Denver, CO 80202
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office in Denver (Mountain States)
